



1 **3 -- 1, 2 and 3 so far.**  
2 **Q.** You know what, I'm going to -- I -- I don't need  
3 you to go through that exercise. If you've seen  
4 those two, that's enough.  
5 **A. Okay.**  
6 **Q.** But let's -- while you're looking at that, let's  
7 take a look -- if you would, please take a look  
8 at Exhibit No. 2. That's the complaint in this  
9 case. Before you reviewed the exhibit last night  
10 I presume, because you said that was one you had  
11 reviewed --  
12 **A. Mm-hm. Mm-hm.**  
13 **Q.** -- had you seen this document before?  
14 **A. Yes.**  
15 **Q.** All right. When was the first time you saw this  
16 document?  
17 **A. I think when it was filed --**  
18 **Q.** All right.  
19 **A. -- or it was shortly thereafter.**  
20 **Q.** And you read that document?  
21 **A. Yes, I have.**  
22 **Q.** Okay. And if you take a look, Mr. Halle',  
23 Exhibit No. 3 is a copy of the answer to the  
24 complaint that your attorney has filed on your  
25 behalf in this case. And my question is other

10

1 than your review last night had you seen that  
2 answer before?  
3 **MS. O'KEEFE:** Objection. Foundation.  
4 **Q.** You can answer.  
5 **A. I'm -- I think so, yes.**  
6 **Q.** Okay. If you take a look at Exhibit No. 2, Mr.  
7 Halle', and you look at Page 3, there is a  
8 reference about a quarter of the way down the  
9 page to a company known -- or called Jenis  
10 Holding Company, LLC. Do you see that?  
11 **A. Yes, I do.**  
12 **Q.** Are you familiar with the company Jenis Holding  
13 Company, LLC?  
14 **A. Yes, I am.**  
15 **Q.** And if you look in that pile of documents that  
16 you have in front of you Exhibit No. 17. I'd  
17 like you to take a look at that. Take your time.  
18 I don't want to rush you.  
19 **A. Thank you.**  
20 **Q.** My question for you is -- while you're looking at  
21 that is have you seen that document before?  
22 **A. No.**  
23 **Q.** You saw it when you reviewed the -- you didn't  
24 see that when you reviewed exhibits last night?  
25 **A. No, I didn't see this one when I reviewed the**

1 **exhibits last night.**  
2 **Q.** All right. And -- and now I just want to be  
3 clear of your answer. You've never seen this  
4 document before?  
5 **A. No. I thought the question was have I seen it**  
6 **last night.**  
7 **Q.** No. Not -- my question is have you ever seen it  
8 before?  
9 **A. I'm sure I have, yeah.**  
10 **Q.** Why are you sure?  
11 **A. I think my signature is attached to it, so...**  
12 **Q.** Well, if you look at Page 2 --  
13 **A. Yes.**  
14 **Q.** -- at the top, is that your signature?  
15 **A. Correct.**  
16 **Q.** And there is -- you -- there is a block that has  
17 a signature block. That's your signature there?  
18 **A. Yes.**  
19 **Q.** Below that it says print or type name. And  
20 that's your name John R. Halle', correct?  
21 **A. Correct.**  
22 **Q.** Below that do you see where there is a line that  
23 says title?  
24 **A. Yes.**  
25 **Q.** And do you -- below -- do you see where there is

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1 written in, it looks like it's handwritten, the  
2 word member?  
3 **A. Yes.**  
4 **Q.** Okay. Do you know whose handwriting that is?  
5 **A. No.**  
6 **Q.** Do you recognize it as your handwriting?  
7 **A. No.**  
8 **Q.** If you look at the last page of the document --  
9 **A. Mm-hm. Mm-hm.**  
10 **Q.** -- do you see that's an addendum to business  
11 organization and registration form?  
12 **A. Mm-hm.**  
13 **Q.** Have you seen that document before?  
14 **A. Yes.**  
15 **Q.** Is that your signature at the bottom of that  
16 document?  
17 **A. Yes.**  
18 **Q.** Do you understand or do you -- do you know if  
19 this document was filed with the State of New  
20 Hampshire?  
21 **A. I don't know. I can only make the assumption**  
22 **here. There is a State of New Hampshire sticker**  
23 **here, so I have a feeling that it was.**  
24 **Q.** Do you know when Jenis Holding Company, LLC was  
25 created?



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15

1 A. No.

2 Q. Do you see, if you look at the complaint, Exhibit  
3 2, Paragraph 12 on Page 3?

4 A. Yes.

5 Q. Do you see where Paragraph 12 says on December  
6 13th, 2006 Jenis Holding Company, LLC was formed as  
7 as a Florida limited liability company?

8 A. Yes.

9 Q. Do you see that?

10 A. Yes, I do.

11 Q. And if you look at the corresponding paragraph  
12 and the answer, which is Exhibit 3 -- could you  
13 do that for me?

14 A. Yes. Which page?

15 Q. It's going to be Page 2, Paragraph 12. Are you  
16 there?

17 A. Yep.

18 Q. Do you see where your counsel Paragraph 12 it  
19 says defendant admits the allegations contained  
20 in Paragraph 12 of the complaint?

21 A. Correct.

22 Q. So do you know if Jenis Holding Company, LLC was  
23 formed as a Florida limited liability company?24 MS. O'KEEFE: Objection. Foundation and  
25 form.

14

1 You may answer.

2 Q. Well, that's my question. Do you know if Jenis  
3 Holding Company, LLC was formed as a Florida  
4 limited liability company?

5 A. Yes.

6 Q. Okay. Why was it -- do you know why it was  
7 formed as a Florida limited liability company?8 A. No, I don't recall why we would have filed that  
9 as a -- as a Florida corporation.10 Q. When you say we, who is the we you're referring  
11 to?12 A. So -- you know, so the way the -- our affairs are  
13 managed, you know --

14 Q. Who is our?

15 A. So my wife, the companies and --

16 MS. O'KEEFE: Let's let the witness  
17 finish the answer before --

18 Q. I didn't mean to interrupt, so you go ahead.

19 A. So --

20 Q. So I was asking -- my question for you is who is  
21 the we you're referring to, but I'm also -- you  
22 also referred to our. So who is the we and our  
23 you're referring to in your previous answer?24 A. So, you know, I manage a bunch of funds and I  
25 manage a bunch of companies and I have a staff, I1 have lawyers and these documents are put in front  
2 of me, you know, left and right and I'm asked to  
3 sign then. And at the end of the day they make  
4 the decisions -- the attorneys make the decision  
5 of where we file the corporations, whether they  
6 be Florida, Delaware, New Hampshire, Maine. So  
7 I'm not involved in that decision making process.  
8 I take their advice. When I pay an attorney, I  
9 usually take their advice. And so things are put  
10 in front of me and -- you know, and I'm told  
11 where to sign and under what capacity to sign.12 Q. Were you involved in any way in the decision to  
13 form Jenis Holding Company, LLC?

14 A. I would assume I was, yes.

15 Q. When you say assume, I'm not sure what you mean.

16 A. Well, Jenis stands for John, Nicholas and Sharon,  
17 so, you know -- so it's -- you know, I would have  
18 been involved in the formation of the company;  
19 yes.20 Q. Okay. So who decided to form a company called  
21 Jenis Holding Company, LLC?22 A. So the -- the attorneys would have advised, you  
23 know, to form this corporation.

24 Q. Well, which attorney?

25 A. So I employee an awful lot of attorneys. You

16

1 know, Mark Sullivan is one, I have a full staff  
2 at Pierce Atwood, I have a full staff at McLane.  
3 There is -- there is -- you know, I deal with an  
4 awful lot of attorneys.

5 Q. Okay. That wasn't my question.

6 My question --

7 A. I -- I think I --

8 Q. Let me finish my question.

9 A. Okay.

10 Q. My question for you is do you know which attorney  
11 was involved in the formation of Jenis Holding  
12 Company, LLC?

13 A. I think, you know, the -- the answer is no.

14 Q. Okay. And what -- do you know what the purpose  
15 of Jenis Holding Company, LLC was?16 A. The purpose of Jenis Holding Company was to hold  
17 assets and I think at the time we were involved  
18 in mortgage banking business and -- so I think  
19 this -- to the best of my recollection it never  
20 had any real assets, so -- I can't really recall,  
21 you know, that far back out.

22 Q. I just want to see if I can unpack that answer.

23 Do you know what assets Jenis Holding  
24 Company, LLC held at any time?

25 A. So I know that Jenis Holding, LLC right now owns



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1 a Ford Taurus 2012.

2 Q. I'm getting ahead of myself, but there is some  
3 documents that I have been provided --

4 A. Mm-hm.

5 Q. -- that indicates that Jenis Holding Company, LLC  
6 has been dissolved.

7 A. I think that the Jenis Holding, LLC in Florida  
8 has been dissolved and then was re-filed in New  
9 Hampshire. That's to the best of my knowledge.

10 Q. Well, I'm -- I'm interested in this LLC in  
11 Florida.

12 A. Mm-hm.

13 Q. Do you -- were you aware that that had been  
14 dissolved?

15 A. No, I was not aware until we started the research  
16 in this litigation.

17 Q. Okay. So let's go back -- I want to go back  
18 to -- first of all, you don't know the attorney  
19 that was involved with the formation, correct?

20 A. I can't recall which attorney was involved in  
21 that formation.

22 Q. Did you play a role in the decision to form that  
23 company?

24 MS. O'KEEFE: Objection. Asked and  
25 answered.

18

1 A. Yes.

2 Q. And -- and the reason I ask that, Mr. Halle',  
3 is -- I mean, in my experience typically an  
4 attorney doesn't come to a client and say let's  
5 form an LLC. Usually the client goes to the  
6 attorney and says I need to create a corporation.  
7 So do you know if you went to an attorney and  
8 said I want to create this particular company?

9 MS. O'KEEFE: I'm -- I'm going to object  
10 on foundation and form grounds. I'm also  
11 going to object on the basis of attorney/  
12 client privilege.

13 If you were seeking legal advice or  
14 obtaining legal advice from an attorney,  
15 please don't testify as to the contents of  
16 that. Otherwise you may answer.

17 A. In -- in our business we do it differently. So  
18 in our business -- you know, I have attorneys  
19 that review what we do, you know, and -- and they  
20 advise us of what to do as far as forming  
21 corporations and -- and the like. So everything  
22 that -- that -- that -- all of the corporations  
23 have been formed have been formed at the -- at  
24 the advice of counsel. And -- and I would say  
25 that, you know, in almost all instances, you

1 know, it -- it was at their urging that these  
2 corporations were -- were formed.

3 Q. All right.

4 MR. BALS: Margaret, if they're going to  
5 be relying on advice of counsel with respect  
6 to this, I'm going to be asking to -- to  
7 invade the privilege in terms of what counsel  
8 was advising. That's the advice of counsel  
9 defense. And I've been through this with the  
10 Federal Court before. I'm entitled to make  
11 inquiry. If his answer is basically we  
12 relied on counsel for -- for creating, if it  
13 was their decision, I get to know that.

14 MS. O'KEEFE: Well, I understand that  
15 issue very well. I don't think that entitles  
16 you to know every detail of every  
17 communication between counsel and -- and the  
18 client. If we're talking about a factual  
19 matter about the purpose for setting up the  
20 Jenis Holding Company, that's something that  
21 Mr. Halle' can testify to without waiving any  
22 attorney/client privilege.

23 MR. BALS: All right. Well, let's take  
24 it on a case -- I mean a question-by-question  
25 basis.

20

1 Q. Do you know the purpose of setting up this Jenis  
2 Holding Company, LLC?

3 A. It's to -- you know, to be honest with you, I  
4 don't even recall why Jenis Holdings was put  
5 into -- into effect. So -- so I can't recall  
6 that. And that's the best answer I can give you.

7 Q. Who -- do you know how we -- do you know where we  
8 would be able to find any information as to why  
9 it was created?

10 A. I mean, there are corporate books and -- and  
11 that -- that tell who the members are and the  
12 like, but the intent, you know, of forming a  
13 corporation -- I mean, you know, in the past 10,  
14 12 years, you know, we do four, five, six, seven,  
15 eight, nine of them a year. So, I mean --

16 Q. Who is we?

17 A. So, you know, I run a company called Cate Street  
18 Capital and we form corporations on a monthly  
19 basis. And -- so, you know, the exact nature or  
20 why -- you're talking -- you're asking me to go  
21 back to 2006 and remember why I formed a  
22 corporation that had little or no assets. So  
23 it -- it was not a very important thing in my  
24 mind so it's not something that stuck in my  
25 memory.



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1 Q. Well, is Cate Street Capital associated in some  
 2 fashion with Jenis Holding Company, LLC?  
 3 A. **No. I'm just telling you that -- that -- that,**  
 4 **you know, I'm involved on a daily basis in**  
 5 **forming corporations, in handling those kinds of**  
 6 **matters. And so to try to go back to 2006 and**  
 7 **2007 and try to figure out why this specific**  
 8 **corporation was formed and what was the intent at**  
 9 **the time -- you know, we're very transactional so**  
 10 **it's tough to recall that stuff. You know,**  
 11 **maybe, you know, if I get, you know, another**  
 12 **couple hours -- maybe if you ask this question at**  
 13 **the end of the day, then I might be able to**  
 14 **remember why. But at this instance I don't.**  
 15 Q. All right. But I want to come back to -- just to  
 16 be clear, you said -- I think, if I understood  
 17 what you're saying -- and I'm not meaning to  
 18 mischaracterize your testimony -- Cate Street  
 19 Capital forms companies all the time, right?  
 20 A. **That's correct.**  
 21 Q. Did Cate Street Capital have some role in the  
 22 formation of Jenis Holding Company, LLC?  
 23 A. **No, it hasn't.**  
 24 Q. Okay. So who -- who did? I mean, other than  
 25 the -- it being the attorneys who were involved

22

1 whose -- at whose direction was this company  
 2 created?  
 3 MS. O'KEEFE: Again, I'm inserting the  
 4 privilege. I understand your question to be  
 5 other than the attorneys.  
 6 MR. BALS: Right.  
 7 MS. O'KEEFE: You may answer.  
 8 A. **Other than attorneys. I would say just, you**  
 9 **know, myself and Sharon. I mean, like I said,**  
 10 **Jenis stands for John, Nicholas and Sharon. John**  
 11 **and Nicholas are my sons and Sharon is my wife.**  
 12 **I think you met her yesterday. So those -- you**  
 13 **know, so my assumption if -- you know -- and,**  
 14 **again, this is an assumption, is that me and**  
 15 **Sharon, you know, discussed, you know, where to**  
 16 **park my car or I think there was a boat that**  
 17 **was -- that was parked in there a couple of years**  
 18 **ago. And so I think that that was the -- the**  
 19 **intent of the corporation is to put cars and --**  
 20 **and assets like that into that corporation.**  
 21 Q. Your personal assets?  
 22 A. **Not my personal assets.**  
 23 MS. O'KEEFE: Objection. Calls for a  
 24 legal conclusion.  
 25 You may answer.

1 MR. BALS: Wait. It calls for a legal  
 2 conclusion? I'm just asking him if your --  
 3 if the intent of the company was to put his  
 4 personal assets in the company.  
 5 A. **You know, the -- go ahead.**  
 6 MS. O'KEEFE: I'm objecting because  
 7 you're using a term personal assets.  
 8 MR. BALS: Okay.  
 9 Q. You can answer.  
 10 A. **So the -- you know, so they -- they -- you know,**  
 11 **personal assets would be if we -- if you want to**  
 12 **define personal assets, would be assets that**  
 13 **belonged to me or to Sharon; is that correct?**  
 14 Q. Yes.  
 15 A. **Is that -- is that the question?**  
 16 **So, no, those assets, you know, belonged to**  
 17 **somebody else and we purchased them and put them**  
 18 **in that corporation.**  
 19 Q. Okay. For example, I think, if I understood you,  
 20 you originally --  
 21 MR. BALS: Strike that.  
 22 Q. I believe earlier in your testimony you said  
 23 something to the effect of you weren't sure what  
 24 assets may have been in the company.  
 25 A. **Correct.**

24

1 Q. You have mentioned a boat.  
 2 A. **Mm-hm.**  
 3 Q. And there is a boat that I'm familiar with called  
 4 Anger Management. Are you familiar with a boat  
 5 called Anger Management?  
 6 A. **Correct, I am.**  
 7 MS. O'KEEFE: Objection. Form.  
 8 Q. Do you know where that boat is today?  
 9 A. **I think it's in Rhode Island.**  
 10 Q. And is it -- it's moored in Rhode Island you  
 11 believe?  
 12 A. **I don't know if it's moored or it's in dry**  
 13 **storage or if it's docked, but it's in Rhode**  
 14 **Island.**  
 15 Q. At one time did Jenis Holding Company, LLC  
 16 acquire that boat?  
 17 A. **Yes.**  
 18 Q. When?  
 19 A. **2006, something like that. 2007.**  
 20 Q. Well, according to the admission in the answer --  
 21 A. **Mm-hm.**  
 22 Q. -- Jenis Holding Company, LLC was formed in  
 23 December -- on December 13th, 2006.  
 24 A. **Mm-hm.**  
 25 Q. Do you agree with me then that the boat was



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1 Company, LLC for use of the boat?  
 2 MS. O'KEEFE: Objection. Foundation.  
 3 Form.  
 4 You may answer.  
 5 **A. I -- Cate Street would pick up the gas or -- or,**  
 6 **you know, the -- you know, they would pick up the**  
 7 **gas, the cheese and crackers, the beer, you know.**  
 8 **You know, this is not a commercial, you know --**  
 9 **you know, charter here.**  
 10 Q. Would you use it personally?  
 11 **A. Of course.**  
 12 Q. How frequently?  
 13 **A. So Sharon and I, you know, we're -- like I said,**  
 14 **we're avid boaters, so we would use it -- you**  
 15 **know, the summer is short here in Maine, but I**  
 16 **would say, you know, three or four times a month.**  
 17 Q. Who owns the boat now? Do you know?  
 18 **A. It was sold to a third party couple.**  
 19 Q. When?  
 20 **A. It would be a year ago, maybe two years ago.**  
 21 Q. What --  
 22 **A. A year ago.**  
 23 Q. What was the boat sold for?  
 24 **A. I think it was sold for 122,000, something like**  
 25 **that.**

30

1 Q. Where did the proceeds from the sale go?  
 2 **A. So they would have gone to John -- Jenis**  
 3 **Holdings.**  
 4 Q. Okay. And where did those proceeds go after  
 5 Jenis Holdings Company, LLC was dissolved?  
 6 **A. I don't know. That -- that's a good question.**  
 7 Q. Thanks. I've got a number of them.  
 8 Do you know where -- are there records that  
 9 would show where the money went?  
 10 **A. There has got to be records. I didn't get**  
 11 **paid -- it didn't get paid in cash so there has**  
 12 **got to be a check somewhere and it shows where it**  
 13 **got deposited.**  
 14 Q. Did Jenis Holding Company, LLC have its own bank  
 15 account?  
 16 **A. I would assume so, yeah.**  
 17 Q. Why do you assume that?  
 18 **A. I don't know. Again, you know, you're talking**  
 19 **about an awful lot of entities here. And, you**  
 20 **know, it's not that I have personal knowledge of**  
 21 **all of this, you know. You've -- you deposed**  
 22 **Mr. Desrosiers, you've deposed my wife. There**  
 23 **is -- there is a lot of people involved in this.**  
 24 **To -- to say that I'm at the top of the heap and**  
 25 **I control and know everything is -- you know, is**

1 **a grave mistake because it's not a fact.**  
 2 Q. I didn't say that. And I was only asking you  
 3 about one company right now, Jenis Holding  
 4 Company, LLC, Mr. Halle'.  
 5 **A. It's the -- it's the fourth -- fourth time, sir,**  
 6 **you ask me questions about things that, you**  
 7 **know --**  
 8 Q. What other assets, if you know, did Jenis Holding  
 9 Company, LLC own?  
 10 **A. None that I know or that I recall.**  
 11 MS. O'KEEFE: Do you need more water?  
 12 THE DEPONENT: No. I'm good. Thank  
 13 you.  
 14 Q. I have heard from your attorney that there was  
 15 some mistake made with respect to your name  
 16 appearing on documents that indicate you were a  
 17 member of Jenis Holding Company, LLC. Do you  
 18 have some knowledge about some mistake as to how  
 19 your name came on this -- on -- on, for example,  
 20 Exhibit 17?  
 21 **A. As -- as I, I think previously testified, people**  
 22 **put documents in front of me and tell me what to**  
 23 **sign as a capacity. But I can tell you that I've**  
 24 **never been, you know, a member or I've never**  
 25 **owned an interest, personal interest in Jenis**

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1 **Holdings.**  
 2 Q. Okay. That wasn't quite my question though.  
 3 **A. That's the way I phrase my answers.**  
 4 Q. Do you know -- okay. And so let me ask  
 5 another --  
 6 **A. It's a free country. So I get to --**  
 7 Q. Relatively. Let me -- let me try the question --  
 8 another question --  
 9 **A. Sure.**  
 10 Q. -- because -- so maybe my question -- my question  
 11 was probably a bad one, and I apologize to you.  
 12 **A. That sounds --**  
 13 Q. So let me try again.  
 14 **A. It sounds good.**  
 15 Q. Do you -- have you had discussions with anyone  
 16 outside your counsel, for example -- well, even  
 17 including counsel before this litigation was  
 18 initiated about some mistake on documents for  
 19 Jenis Holding Company, LLC and the mistake being  
 20 you're listed as a member?  
 21 MS. O'KEEFE: I'm going to object to any  
 22 communications with counsel that you had  
 23 about a mistake.  
 24 I understand we'll have this dispute  
 25 later, but I'm going to instruct him not to



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1 answer with respect to any communications  
 2 with counsel about a mistake, but otherwise  
 3 you may answer.  
 4 **A. It's described as a mistake. There is no way.**  
 5 **I've never held any ownership in -- in Jenis**  
 6 **Holdings --**  
 7 **Q.** How do you know --  
 8 **A. -- end of story.**  
 9 **Q.** Sorry. Finish your answer. I apologize.  
 10 **A. No, no problem.**  
 11 **And -- and I've had discussions -- you know,**  
 12 **when that's been brought up to my attention, I've**  
 13 **had discussions with that and we have a**  
 14 **compliance officer, you know, the general counsel**  
 15 **at the time. And, again, you know, these**  
 16 **documents are put in front of me and, you know,**  
 17 **I've got a busy day. I run -- I run around a**  
 18 **lot. I've got a lot of work to do. People put**  
 19 **documents in front of me and say these need to be**  
 20 **executed and you sign under -- okay. And so I**  
 21 **sign and I ask under what capacity am I signing**  
 22 **and they tell me and I sign it.**  
 23 **Q.** All right.  
 24 **A. But I can tell you for a fact I've never held any**  
 25 **interest in Jenis Holding ever. Not from day one**

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1 **and not in the middle and not -- and not today.**  
 2 **Q.** How do you know -- why do you know that? How do  
 3 you know that?  
 4 **A. Because, you know, the -- the corporate documents**  
 5 **are fairly simple and there is no ownership.**  
 6 **There was no stocks. There is an operating**  
 7 **agreement, which you have a copy of. There is no**  
 8 **-- no stock that was ever transferred to me.**  
 9 **Q.** I don't have a copy of the operating -- there is  
 10 an operating agreement?  
 11 **A. There has to be. You can't file a corporation --**  
 12 **you're an attorney. You can't file a corporation**  
 13 **without filing the operating agreement.**  
 14 **MR. BALS:** All right. Well, Margaret, I  
 15 have a request for production of documents  
 16 that I sent to you. I asked for all  
 17 documents concerning Jenis Holding, LLC. I  
 18 don't have an operating agreement, I don't  
 19 have any records from the sale of the boat --  
 20 boat or that show any -- or the purchase of  
 21 the boat or that show any of the funds that  
 22 were provided.  
 23 **MS. O'KEEFE:** Okay. Understood. We'll  
 24 look into it.  
 25 **MR. BALS:** So -- but I want to be clear

1 on the record that I am reserving the right  
 2 to reconvene this deposition with those  
 3 documents to ask him specific questions about  
 4 those.  
 5 **MS. O'KEEFE:** Understood. We will look  
 6 into it. I thought we had turned over the  
 7 Jenis Holding's operating agreement. I see  
 8 now we have the JH North Hampton Group and  
 9 the -- and 70KC operating agreements, but I  
 10 will look into that and we'll get back to  
 11 you. Hopefully we'll get those to you today.  
 12 **MR. BALS:** Okay. If you don't, do you  
 13 agree I can reconvene this deposition to make  
 14 inquiry about those since that's a pending  
 15 document request?  
 16 **MS. O'KEEFE:** Well, I can't agree  
 17 without knowing whether or not you've already  
 18 obtained those documents elsewhere in which  
 19 case then we would object. And if they're  
 20 publicly available, then we would also  
 21 object. I understand the boat purchase would  
 22 not be.  
 23 **MR. BALS:** Well, I'm going to represent  
 24 to you I have not -- I do not have the  
 25 operating agreement nor do I believe that

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1 would be publicly available. But that's not  
 2 my bailiwick in the law. So I don't have  
 3 those documents. I'm going to make that  
 4 representation to you. If I had them, I  
 5 wouldn't play games. I would take them out  
 6 right now and ask him questions about those.  
 7 **So I do -- I want to be clear though, I**  
 8 **just don't want there to be some**  
 9 **misunderstanding, that if those -- those**  
 10 **documents exist and they are not produced**  
 11 **today, I want the ability to come back, bring**  
 12 **him here under oath and ask him questions**  
 13 **about those.**  
 14 **MS. O'KEEFE:** Understood.  
 15 **MR. BALS:** All right. And --  
 16 **MS. O'KEEFE:** And I'm not agreeing, but  
 17 I understand that's your position --  
 18 **MR. BALS:** This --  
 19 **MS. O'KEEFE:** -- and I will -- if you  
 20 want to take a break right now, I can go see  
 21 if I can get that in the works immediately so  
 22 that we can avoid having to bring him back.  
 23 **MR. BALS:** Why don't we do that. But I  
 24 want to say one other thing on the record and  
 25 we can talk about that more.



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1 Q. Okay. Was -- were you being represented, you  
2 personally being represented by Christopher  
3 Branson in December of 2006?

4 A. **I have a relationship with Christopher Branson**  
5 **that goes back to 2002. So the businesses and my**  
6 **wife, my kids. So in 2006, yeah.**

7 Q. Okay. So I just want to be clear of your answer  
8 because -- were you personally being represented  
9 by Christopher Branson in December of 2006?

10 MS. O'KEEFE: I'm going to object --

11 A. **I think --**

12 MS. O'KEEFE: -- on the grounds of it --  
13 it's calling for a legal conclusion in terms  
14 of who is the client, so I -- you may answer  
15 if you know.

16 A. **I think I answered it. So Chris Branson**  
17 **represented my wife, myself, some businesses and**  
18 **both of my children.**

19 Q. In December of 2006?

20 A. **Correct.**

21 Q. You said -- do you know whether Mr. Branson  
22 played some role in deciding to create Jenis  
23 Holding Company, LLC?

24 MS. O'KEEFE: I'm going to object to the  
25 extent that that calls for any attorney/

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1 client privilege communications.  
2 Otherwise you may answer the factual  
3 question of whether he was involved in this.

4 A. **You know, the -- the document speaks for itself.**  
5 **I mean, it shows him as the -- as the mailing**  
6 **address.**

7 Q. The -- looking back at Exhibit No. 17 and -- I  
8 would like to ask you this question. You -- you  
9 indicated in your earlier testimony that the  
10 lawyers made the decisions on what companies  
11 would be created. Do you recall that?

12 A. **I --**

13 MS. O'KEEFE: Objection. Mis --

14 Q. Was that correct? Is that your -- is that your  
15 testimony?

16 A. **The lawyers on the needs for the corporations and**  
17 **how to structure these deals, yes.**

18 Q. All right. So if the lawyers made those  
19 decisions, how do you know that it was a mistake  
20 that you were listed as a member on Halle'  
21 Exhibit 17?

22 A. **Because the compliance officer at the time was**  
23 **Mark Sullivan and Mark was prone to mistakes, but**  
24 **I -- you know, I mean, as I testified before, I**  
25 **never owned any stock in Jenis Holdings, period,**

1 **end of story. Never at any time.**

2 Q. How -- well, you know you were listed as a  
3 member.

4 A. **It -- you know, it --**

5 MS. O'KEEFE: Hold on. There is not a  
6 question pending.

7 MR. BALS: Well, that was a question.

8 Q. You are with -- you agree with me you were listed  
9 as a member on this document filed in the New  
10 Hampshire secretary -- with the New Hampshire  
11 Secretary of State, correct?

12 A. **That's what --**

13 MS. O'KEEFE: Objection to form and  
14 foundation.

15 A. **That's what the -- the -- that the filing says,**  
16 **but it's not -- it's not correct.**

17 Q. How do you know that's not correct if it was --

18 A. **Because I --**

19 Q. Let me just finish my question.

20 A. **Okay.**

21 Q. How do you know it's not correct if it was up to  
22 the lawyers to decide how the companies were  
23 going to be formed and who was going to be part  
24 of them?

25 MS. O'KEEFE: Objection. Argumentative.

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1 A. **Then we should bring the attorneys to think --**  
2 **to -- to discuss it, but I can tell you --**

3 MS. O'KEEFE: No. No. We -- absolutely  
4 not. We are not waiving any attorney/client  
5 privilege.

6 Q. Well --

7 A. **Just -- here is my testimony. I have never held**  
8 **any shares in Jenis Holdings, period, end of**  
9 **story, so --**

10 Q. And how are you so sure of that?

11 A. **Because I'm sure of that.**

12 MS. O'KEEFE: Objection. Asked and  
13 answered. Argumentative.

14 MR. BALS: I don't think it's been  
15 answered. I don't think I'm getting an  
16 answer to the question, so I'm going to keep  
17 asking it until I get an answer.

18 A. **Okay.**

19 Q. All right. You say I never have. Why are you so  
20 sure you -- that -- I mean, if the lawyers made  
21 the decision, why wouldn't the lawyer have said  
22 maybe you're going to own this one? How do you  
23 know that that wouldn't be the case?

24 A. **Because I --**

25 MS. O'KEEFE: Objection. I think that



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1 misstates his testimony from earlier.

2 **A. I'm just sure. I'm --**

3 **Q.** What makes you so sure? That's what I'm trying  
4 to find out.

5 **A. Just --**

6 MS. O'KEEFE: The same objection.

7 Argumentative.

8 **A. -- I'm sure. I don't know how else to answer the**  
9 **question. I'm not trying to be argumentative**  
10 **with you. I'm just -- I can tell you for a fact**  
11 **that I've never held shares in Jenis Holdings.**

12 **Q.** Well, it's a membership to begin -- I mean, it's  
13 an LLC to begin with.

14 **A. Well, units if you would like to -- to**  
15 **characterize it better.**

16 **Q.** Now, you say that one of the reasons you believe  
17 there was a mistake was Mr. Sullivan was prone to  
18 mistakes?

19 **A. Mr. Sullivan -- Mr. Sullivan handled all the**  
20 **annual reports and the quality control on that**  
21 **was always -- was never the best.**

22 **Q.** Who was actually running -- I mean managing and  
23 running Jenis Holding Company, LLC?

24 **A. Jenis Holdings Company, LLC, if you take a look**  
25 **at the second word, it says holding, meaning it**

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1 **has no employees. It's just a shell where assets**  
2 **are parked.**

3 **Q.** All right. But you know that your wife Sharon is  
4 listed as manager on the annual reports for Jenis  
5 Holding Company, LLC, correct?

6 **A. Correct.**

7 **Q.** And did she have some management  
8 responsibilities?

9 **A. So I -- you know, are you asking me whether she**  
10 **changed the tires on the car that we own or did**  
11 **she refill the car -- does she pay for the**  
12 **insurance, did she file, you know, the**  
13 **registration? You know, that's nonsensical. I**  
14 **mean, Jenis Holdings is a holding corporation.**  
15 **That's the second word in Jenis Holdings. It has**  
16 **no employees and it holds assets. So the**  
17 **manager -- you know, short of changing the wipers**  
18 **and putting gas in the -- in the tank there is no**  
19 **other -- there is nothing else to do.**

20 **Q.** Didn't Jenis Holding Company, LLC also pay some  
21 property taxes for some property up here in  
22 Maine?

23 **A. I think that Jenis might have paid for -- Jenis**  
24 **Realty would have paid taxes for a property in**  
25 **Auburn.**

1 **Q.** All right. Well, I'm not -- I'm talking about  
2 Jenis Holding Company at the moment.

3 **A. Yes.**

4 **Q.** Are you aware that Jenis Holding Company, LLC  
5 would have been paying property tax on property I  
6 think it was in Scarborough?

7 **A. We don't have any property in Scarborough.**

8 **Q.** Did you ever?

9 **A. We have 16 Hunter Point Drive in Scarborough.**

10 **Q.** I'm sorry?

11 **A. 16 Hunter Point Drive. That's the only real**  
12 **estate that we owned in --**

13 **Q.** When did you own that real estate?

14 **A. Sharon owned that from 2006 to a couple of months**  
15 **ago.**

16 **Q.** All right. And did Jenis Holding Company, LLC to  
17 your knowledge ever pay property tax for that  
18 property?

19 **A. Not to my knowledge.**

20 **Q.** If I were to represent to you that it did, would  
21 that come as a surprise to you?

22 **A. Absolutely, yes.**

23 **Q.** Why would that be a surprise to you?

24 **A. Because, you know, Jenis Holdings didn't --**  
25 **didn't own the property.**

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1 **Q.** Do you know --

2 MR. BALS: Do we have that document?

3 MS. CLEGG: I'm looking for it.

4 **Q.** Did Mr. Sullivan, to your knowledge, have an  
5 ownership interest in Jenis Holding Company, LLC?  
6 And I'm not talking about him as lawyer. As --  
7 did he have some ownership interest in it?

8 **A. No, he did not.**

9 **Q.** And from your -- from Exhibit 17 he was -- he  
10 apparently was the registered agent in New  
11 Hampshire, correct?

12 **A. Correct.**

13 **Q.** Was there a compliance officer for Jenis Holding  
14 Company, LLC?

15 **A. So as -- as we acquired compliance officers,**  
16 **then -- then there would have been one that would**  
17 **have been involved in -- in making sure that we**  
18 **were in compliance.**

19 **Q.** Was -- okay. Who was the compliance officer for  
20 Jenis Holding Company, LLC?

21 **A. So --**

22 MS. O'KEEFE: Objection to form.

23 You may answer.

24 **A. So the -- the compliance officer at Cate Street**  
25 **is the one that looks at all of the companies and**



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1 MS. O'KEEFE: Okay. Let's do it.  
 2 VIDEOGRAPHER: The time is 10:41. We're  
 3 off the record.  
 4 (A short recess was taken.)  
 5 Q. Just a couple other questions about --  
 6 VIDEOGRAPHER: I'm sorry.  
 7 MR. BALS: Oh, I'm sorry.  
 8 VIDEOGRAPHER: The time is 10:58. We're  
 9 back on the record.  
 10 Q. Do you remember there was litigation in New York  
 11 that you were involved with Mr. Davimos, correct?  
 12 A. **Correct. Yeah.**  
 13 Q. Do you remember there was a time when Mr. Davimos  
 14 won a summary judgment motion in that case?  
 15 A. **Which case?**  
 16 Q. The litigation -- the litigation that resulted in  
 17 the judgment that my client is trying to collect  
 18 now.  
 19 A. **Okay.**  
 20 Q. Do you recall the summary judgment being issued?  
 21 A. **No.**  
 22 Q. No. You don't remember that?  
 23 A. **No. This -- you know, you're talking about 13**  
 24 **years worth of litigation my friend.**  
 25 Q. Well, I'm not talking about 13 years ago.

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1 A. **Yeah.**  
 2 Q. So -- I'm just recalling -- I mean, there was a  
 3 summary judgment, went up on appeal, reversed,  
 4 sent back down. Do you recall any of that?  
 5 A. **My memory generally, yeah.**  
 6 Q. Okay. Then I'm not going to ask you about it  
 7 right now.  
 8 A. **All right.**  
 9 Q. What I would like you to do is take another look  
 10 at the complaint, which is Exhibit 2.  
 11 A. **I need my glasses.**  
 12 Q. And if you could take a look at Page 3 of Exhibit  
 13 2. And I'm at Paragraph 16. Paragraph -- are  
 14 you there?  
 15 A. **Yes.**  
 16 Q. It says -- the allegation there in the complaint  
 17 is on May 17, 2005 defendants John Halle' and  
 18 Sharon Halle' purchased real estate located at  
 19 106 Woodlands Drive, Falmouth, Maine. Do you see  
 20 that?  
 21 A. **Yes.**  
 22 Q. Now, that -- that is admitted in the answer that  
 23 your lawyer filed on your behalf and that's a  
 24 true fact, correct? You did purchase that real  
 25 estate with your wife, right?

1 A. **Correct.**  
 2 MS. O'KEEFE: Objection. Foundation.  
 3 Q. Well --  
 4 MS. O'KEEFE: Form.  
 5 Q. -- do you know if you purchased that real estate?  
 6 A. **Yes.**  
 7 Q. Okay. And what was the purchase price?  
 8 A. **I don't recall, but -- I don't recall. I -- I**  
 9 **think those documents are around here somewhere.**  
 10 Q. Where did the money come from to purchase the  
 11 real estate?  
 12 A. **I think we borrowed it.**  
 13 Q. Did you have any money that you put down?  
 14 A. **Probably 120, something like that. 120,000.**  
 15 Q. Where did the \$120,000 come from that was put  
 16 down on the purchase of the property?  
 17 A. **I don't recall that, but I think I can fairly**  
 18 **easily find that out too.**  
 19 Q. Okay. So when you say you don't recall it, are  
 20 you -- is your testimony that you don't know  
 21 the source of the monies that were used to pay  
 22 the -- the down payment on the purchase of the  
 23 property?  
 24 A. **Not in --**  
 25 MS. O'KEEFE: Objection to form.

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1 A. **Not in a definitive answer that would satisfy you**  
 2 **or would, you know, be accurate.**  
 3 Q. Okay.  
 4 A. **I like to be accurate, so -- you know, I can find**  
 5 **that out. So she is taking a list and we'll find**  
 6 **that out for you.**  
 7 Q. All right.  
 8 MR. BALS: Do you believe that all  
 9 those -- the documents associated with the  
 10 property have been produced, Margaret?  
 11 MS. O'KEEFE: I believe they have, but  
 12 I -- you obviously are asking some additional  
 13 questions here that might be answered by  
 14 documents we haven't produced and we are  
 15 happy to track those down for you.  
 16 Q. If you look at Paragraph 17 of the complaint.  
 17 A. **Yeah.**  
 18 Q. That -- Paragraph 17 alleges that on September  
 19 15th, 2005 defendants John Halle' and Sharon  
 20 Halle' transferred the real estate located at 106  
 21 Woodlands Drive, Falmouth, Maine to Sharon Halle'  
 22 for no consideration as evidenced on the Maine  
 23 Revenue Services Real Estate Transfer Tax  
 24 Declaration pertaining to the transaction. Do  
 25 you see where I -- where I'm reading from?



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1 **A. Yeah. 17, right?**

2 **Q.** All right. Do you recall a time in September of  
3 2005 where you transferred your interest in the  
4 106 Woodlands Drive property to your wife Sharon?

5 **A. Yes.**

6 **Q.** Why did you do that?

7 **A. So for estate planning. I'm a Canadian national,**  
8 **so in the event of my death. You know, a U.S.**  
9 **national pays -- has no -- there is no floor on**  
10 **the -- on the taxes. So everything that's**  
11 **transferred from a Canadian national to a U.S.**  
12 **national upon his death there are no exemptions.**  
13 **So for tax reasons -- you know, for estate**  
14 **planning and tax reasons if I didn't do that and**  
15 **I passed on, then my wife would be -- had --**  
16 **would have to pay taxes on -- on a house where**  
17 **there is little equity and -- and so on and so**  
18 **on. So it was a -- and by the way, my brothers**  
19 **have done that and -- and that's a -- you know, a**  
20 **common thing.**

21 **Q.** Why did you purchase it jointly to begin with?

22 **A. Because I didn't know that then.**

23 **Q.** Okay. So your -- your testimony is at some -- at  
24 some point between May of 2005 and September of  
25 2005 you learned that?

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1 **A. Correct.**

2 **Q.** Okay. I don't -- I want to -- well, let me just  
3 ask you.

4 Were you consulting with someone about that  
5 issue?

6 **A. So my father is also --**

7 **Q.** Just --

8 **A. So yes.**

9 **Q.** I'm going to interrupt; and I apologize, but I  
10 want to be careful that you don't run afoul of a  
11 privilege issues here, at least for the time  
12 being. So my question is trying to be discrete  
13 here.

14 Were you consulting with someone about this  
15 Canadian tax issue?

16 **A. The answer is yes.**

17 **Q.** Who?

18 **A. My father.**

19 **Q.** Okay. And what is your father's -- your father's  
20 name?

21 **A. Roland Halle'.**

22 **Q.** Where does Roland Halle' reside?

23 **A. Roland resides in Canada.**

24 **Q.** Okay. And what -- tell me about your discussions  
25 with Roland Halle'.

1 **A. So my father lived in the States, just like we**  
2 **did, and he discovered this thing too. My father**  
3 **was getting on in age, 78 years old, and he**  
4 **discovered that issue through I think his tax**  
5 **accountant or his tax attorney and notified the**  
6 **kids that, you know, that's an issue. And so**  
7 **when I found out -- I found out about that,**  
8 **that's when I transferred the real estate to**  
9 **Sharon.**

10 **Q.** When did he notify you?

11 **A. Plus or minus around that time.**

12 **Q.** How did he notify you?

13 **A. He called -- I think he either called me or --**  
14 **you know, I get along with my father fairly well,**  
15 **so either at dinner at my house or at his house,**  
16 **you know.**

17 **Q.** Would there have been any correspondence from --  
18 with your father about this issue?

19 **A. No, I don't think -- you know, my father is in**  
20 **his 80s. You know, e-mails is not something that**  
21 **he's used to.**

22 **Q.** At the time of this transfer from you to Sharon  
23 what provision, if any, did you make for your  
24 creditors?

25 **A. What creditors did I have?**

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1 MS. O'KEEFE: Objection.

2 **Q.** Did you have any?

3 **A. Not to my knowledge.**

4 **Q.** So your testimony is you didn't believe you had  
5 any creditors at that time?

6 **A. Correct.**

7 **Q.** Were you aware at that time that Mr. Davimos was  
8 making a claim against you?

9 **A. Correct.**

10 **Q.** Okay. And what provision when you -- at the time  
11 that you transferred your equity in the home to  
12 Sharon did you make for Mr. Davimos?

13 MS. O'KEEFE: Objection. Foundation.  
14 Asked and answered.

15 MR. BALS: I don't think I asked that  
16 question before.

17 MS. O'KEEFE: You asked what provision  
18 did you make for any creditors at the time of  
19 your transfers and he answered that question.

20 MR. BALS: For -- I don't -- I think I  
21 was asking specifically about Mr. Davimos.

22 **Q.** So my question is what provision did you make for  
23 Davimos?

24 **A. I didn't have any liability to Mr. Davimos.**

25 **Q.** Okay. There has been a stipulation in this case